

## IN THE CLAIMS

1. **(currently amended)** A topical foam aerosol formulation comprising
  - (a) an oil-in-water emulsion comprising

one or more active agents selected from the group consisting of anti-inflammatory agents, topical anesthetics, topical antibiotics, and anti-fungal agents;~~solubilized or dispersed in an oil and water emulsion,~~

an oil phase in an amount from 0.8% to 6.0% by weight of the emulsion, wherein the oil phase is a solid or semi-solid at room temperature; and the oil phase comprises a non-ionic surfactant;

water in an amount from about 80% to about 90% by weight of the emulsion;

wherein the emulsion does not contain volatile lower alcohols; and ~~the oil phase of the emulsion is 0.8% to 6.0% by weight of the emulsion and is a solid or semi-solid at room temperature; and~~
  - (b) a propellant consisting essentially of a hydrofluoroalkane or a mixture of hydrofluoroalkanes, without additional co-solvents or co-propellants; wherein the formulation comprises the propellant in an amount from about 20% to about 50% by weight of the formulation.
2. **(canceled)**
3. **(previously presented)** The formulation of claim 1 wherein the active agent is an antiinflammatory agent.
4. **(previously presented)** The formulation of claim 3 wherein the anti-inflammatory agent is selected from the group consisting of alclometasone dipropionate, amcinonide, beclometasone dipropionate, betamethasone benzoate, betamethasone dipropionate, betamethasone valerate, budesonide, clobetasol propionate, clobetasone butyrate, desonide, desoxymethasone, diflorasone diacetate, diflucortolone valerate, flumethasone pivalate, fluclorolone acetonide, fluocinolone acetonide, fluocinonide, fluocortin butyl, fluocortolone, fluprednidene acetate, flurandrenolone, halcinonide, hydrocortisone,

- hydrocortisone acetate, hydrocortisone butyrate, methylprednisolone acetate, mometasone furoate, triamcinolone acetonide, diclofenac, ibuprofen, acetylsalicylic acid, piroxicam, ketoprofen, felbinac, benzylamine, and combinations thereof.
5. **(original)** The formulation of claim 3 wherein the concentration of the antiinflammatory agent is from about 0.01% to 10%.
  6. **(previously presented)** The formulation of claim 1 wherein the active agent is a topical anesthetic.
  7. **(previously presented)** The formulation of claim 6 wherein the topical anesthetic is selected from the group consisting of lidocaine, prilocaine, bupivacaine, levo-bupivacaine, ropivacaine, mepivacaine, procaine, chloroprocaine, propoxycaine, hexylcaine, tetracaine, cyclomethycaine, benoxinate, butacaine, proparacaine, butamben, diperodon, phenacaine, falcaine, dyclonine, pramoxine, dimethisoquin, benzocaine, amethocaine, dibucaine, ketocaine, propanocaine, propipocaine, and combinations thereof.
  8. **(original)** The formulation of claim 6 wherein the concentration of the anesthetic is from about 1% to about 10%.
  9. **(previously presented)** The formulation of claim 1 wherein the active agent is an antibiotic or antifungal agent.
  10. **(previously presented)** The formulation of claim 9 wherein the active agent is an antifungal agent is selected from the group consisting of clotrimazole, econazole, ketoconazole, itraconazole, miconazole, oxiconazole, sulconazole, butenafine, naftifine, terbinafine, undecylenic acid, tolnaftate, nystatin, and sertaconazole nitrate.
  11. **(original)** The formulation of claim 9 wherein the concentration of the antifungal or antibiotic agent is from about 0.3% to 5%.
  12. **(canceled)**
  13. **(previously presented)** A hydrofluoroalkane containing topical foam formulation free of volatile alcohols produced by the method of claim 12.

14. (canceled)

15. (previously presented) The formulation of claim 1, wherein the emulsion does not contain ethanol.

Claims 16-18 (canceled)

19. (new) The formulation of claim 1, wherein the non-ionic surfactant comprises cetyl alcohol or steareth-10.